

G. R. S. App. F. IX-4]

1943 -

File No. 110-43

Previous References.

(Summary)

Serial Nos. 1-2

Later References.

Summary, 76-1, 3-1-3.

13 pages

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two

Part B for November 1943

SUBJECT.

Resumption of S. No 46 of Vyeha-
-Keratholli, Kasaba of Chali Gopibidana
Taluk, endowed to Sri Lakshmi-
bhairavakshama Temple at Mudigere, in
the same Taluk.

R. 2687-8 dated 13th November 1943
To the Bangalore Commission
to be referred
S. numbers two above, forwarded

194. 382
R
 From
 Rajasevaprakashta
 Sesnauri, Esqr., M.A.,
 Muzrai Commissioner in
 Mysore, Bangalore.
 To *Summary 110-43-1*
 Safi Darashah, Esqr., B.A.,
 General Secretary to the
 Government of Mysore, Bangalore

Dated 22nd September 1943.

Despatched

Received

General No. N1-1808/43-44.
 No.

24 SEP.

Enclosure No. one file.

Subject:- Alienation - S.No.46 of Vaichakuranahalli
 belonging to Sri Lakshmi Chennakeshava Temple-
 Mudagere - Goribidanur Taluk - by Venkategowda.

Sir,

I have the honour to forward herewith a copy of letter No.A2.C.225/43-44 dated 8th August 1943, received from the Deputy Commissioner, Kolar District, requesting sanction, in the circumstances stated therein, under Sec.18 (2) of the Religious and Charitable Institutions Act to resume S.No.46 of Vaichakuranahalli Goribidanur Taluk, belonging to Sri Lakshmi Chennakeshava Temple at Mudagere, a Muzrai Institution, from the possession of Sadegowda the present holder, and to restore it to the Temple.

2. The facts of the case are fully explained in the order passed by the Sub Division Officer, Chickballapur, in case No.R.I.M. C.168/39-40 dated 17th July 1943, directing the resumption and the restoration of the land to the Temple, subject to the previous sanction of Government under Section 18 (2) of the R.C.Institutions Act.

3. The Deputy Commissioner, while agreeing with the finding of the Sub Division Officer, considers that it is a fit case to take action under Sec.18(2) referred to above, and to

recommends sanction to resume and restore the and to the Temple

4. I request that sanction of Government may kindly be obtained to the recommendation of the Deputy Commissioner.

5. The file of connected records is sent herewith.

(1) The orders passed by the D.C. Holar District on the 31st October 1939 in Muz. App No 10 of 39-40 and the S.D.O., Chockkallapur S.D. on 11th July 1940 in Muz Case No. 168 of 39-40 contain the facts of the case in detail and are for perusal.

I have the honour to be,
Sir,
Your most obedient servant,

W. A. A. A.
Muzrai Commissioner.

(2) Old S. No. 33 (4A-20G. Assessed at Rs. 6/2) or Re-S.D. 46 (4A-10g, Assessed at Rs. 9.80) — of Vychakurathali Village, Kadaba Hobli, Gowdanoor Taluk, which belonged to one Sanjeevamma wife of Venkate Gowda was endowed by her to Shri Lakshmi Chennakeshva Swamy Temple in the Village in 1889-90, the patta of the land having been changed from her name to that of the deity in pursuance of the orders of the then Gen. Adst. Commr. dated 13.3.1890

(3) The land has, since that period been shown against the name of the Temple, in the Accounts including the Index of Lands. One Y Venkatappa, the grandson of the donor petitioned to the Amildar on 29.10.1937 stating that Venkate Gowda, brother in law of Sanjeevamma, who cultivated the land for several years on behalf of the Temple had discontinued the delivery of produce grown in the S.D. and had appropriated the income from the land for his own use and that he had even mortgaged the land to others treating it as a part of his personal property

(4) Necessary enquires were made and the S.D.O. ordered on 27th June 1939 that the land may be resumed from Venkate Gowda and leased out for the benefit of the Institution. Against this order Venkate Gowda filed an appeal to the D.C. who remanded the case to the S.D.O. for formal enquiry under Section 18 of the R.C.S. Act and ordered that the question of leasing the land may be held in abeyance till

Dry Portion	3-06	Rs. 41
Wet "	1-04	" 4-1
	4-10	" 98

N. S. S. Muz.
C 1769/38-30

the enquiry was completed and orders of Govt. obtained thereon.

(5) According to this order the S.D.O. has conducted an elaborate enquiry and in his orders dated the 17th July 1943, he has stated that the act of Venkate Gowda who was also the Patel of the village, in trying to deprive the temple of the land and the income therefrom by mortgage and then by sale (to one C.B. Ramo Das and one Sidda Gowda respectively) are illegal and unwarranted and the possession of the land (Sidda Gowda) by a private party is wrongful, and that under Sub-section 2 of Section 18 of the Act, the land may be resumed from the possession of the purchaser (Sidda Gowda) and restored to the Temple.

(6) Both the D.C. and the M.C. support the proposal of the S.D.C. In the circumstances their recommendation may be accepted under the above mentioned Section of the Act - as a breach of trust has been proved

Sub (9) The land in question, viz. S. No. 46 is not an ~~man~~ land but ~~good~~ is a private property endowed to Sri 1 - devanu by one Sanjevanma. The ~~state~~ of this S. No. has been made in the name of the temple in March 1890. (flag 5) even according to the village accounts, i.e. of the village relating to the year 1918-19, the land is in the name of Keshava devanu. In the Index of Lands Register, the person in possession of ^{the} Govt. land is shown as Keshava devanu (flag 2), a musrai institution at Muddigere.

(10) From the ^{above facts} ~~above~~ it is clear beyond any doubt that this S. No. is the temple property.

1) Please put up a copy of the R.C. S. Act
(5) Resubmitted with a copy of the Act.
12/10

and that its possession, enjoyment and alienation by one Venkate Gowda is wrongful and unauthorised. There has been a breach of trust in respect of this property and the income derived therefrom is being appropriated by Venkate Gowda & his son Siddagowda instead of being applied for the performance of Sevas in the temple.

(11) Hence, as recommended by the local officers and the C.R.C., the land may be resumed and restored to the temple under Section 18(2) of the R & C Institutions Act.

By. Secy)

18.11/43

(12) Action on the lines indicated by the Muz Comm^t may be approved.

Minister for Revd Law. (13) Rule

22/10

Done

21/11/43

Done

25/11/43

(14) Subd with a draft P.O.

Y. S. S. S. S.

(15) Draft for approval.

By. Secy)

18.11/43

(16)

4/11

Done

14/11/43

(17)

Issued No. R-2687-8, Dated the 13th November 1943

To - The Muzrai Commissioner in Mysore, with the records
Deputy Commissioner, Kolar District
Sanctions the proposals of the M.C.

WD 01800-GPB-60,000-26-1-48

31
21/11/43
2450

27/11/43

[2]

5 NOV. 1943
GEN. & . . . C.T.

Record

18/11/43

27/11/43

Letter No.A2-C.225/43-4 dated the 8th August 1943 from the Deputy Commissioner, Kolar District, to the Mysrai Commissioner in Mysore.

Subject:- Alienation of S.No.46 of Vaichakuramalli by Venkate Gowda granted to Sri Kesava Devaru Temple of Mudigere in Goribidnur Taluk.

In forwarding herewith the file of records ending with Chickballapur Sub Division Officer's No.P1.M.C.100/43-4 dated 17-7-43 on the above subject, I have the honor to state that one Sanjeevarma of Vaichakuramalli, Goribidnur Taluk relinquished absolutely S.No.46 of Vaichakuramalli in favour of Sri Lakshmi Chennakesava Temple of Mudigere village in the year 1881-1890 and this was accepted by the then General Assistant Commissioner subject to the condition that the net realisations from the land after deducting assessment due should be utilised for the sevās of the God etc. (Vide Iakarar Pnyasal Nasta enclosed in the records - Flag W). The wishes of Sanjeevarma were being carried out till about the year 1937, when on account of non-delivery of produce by the then cultivator one Patel Venkate Gowda, dispute arose as to the ownership of the land, and one Y. Venkatappa grandson of Sanjeevarma brought to the notice of the Amildar, Goribidnur, when the Amildar conducted an enquiry and after convincing himself that a breach has been created, obtain order of the Sub Division Officer for disposal of the land by lease.

2. Patel Sidde Gowda, the present occupant and grandson of Venkate Gowda, moved an appeal to this office and after enquiry, the case was remanded to the Sub Division Officer for a formal enquiry under Section 18 of the Mysore Religious and Charitable Act (Flag P).

3. The Sub Division Officer, Chickballapur after completing the enquiry has passed orders on 17-7-43, that the act of Venkate Gowda is illegal and unwarranted and that the possession of Sidde Gowda is wrongful. He concludes

that a breach of trust in respect of S.No.46 of Vaichakurahalli which is the property of Sri Lakshmi Chennakesava Devaru of Mudigere has been proved and that S.No.46 has to be resumed from the possession of Sidde Gowda the present holder for being restored to the temple, which is a Muzrai Institution (Vide Flag "r").

4. Under the above circumstances and as the finding of the Sub Division Officer is well based on facts and figures, I consider that this is a fit case to take action under Sec.18(2) of the Mysore Religious and Charitable Institutions Act. I accordingly recommend that sanction of Government may kindly be obtained to resume the land, viz., Survey No.46, from the possession of Sidde Gowda, the present holder, and to restore the same to the temple.

"Copy"

M. N. Ramesh

For Muzrai Commissioner.

KM -

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read, -

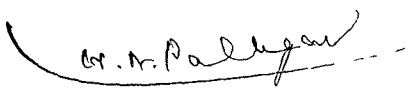
Letter No. NI-C.1868/43-44 dated the 22nd September 1943, from the Muzrai Commissioner in Mysore, regarding the resumption of S.No.46 of Vyohakurhalli, Kasaba Hobli, Goribidanur Taluk, endowed to Shri LakshmiChennekeshwara Temple at Madigere village in the Taluk from the alienee and its restoration to the said temple.

ORDER No. R.2687-8 / Summary 110-43-2.
Dated, Bangalore, 13 Novr. 1943.

It is reported that old S.No.33 or Re-survey No.46, 4 acres 10 guntas in extent (of which 3 acres 6 guntas are classed as Dry and the remaining 1 acre 4 guntas as Wet) and assessed at Rs.8-8-0 of Vyohakurhalli, Goribidanur Taluk, offered by one Sanjeevamma wife of Venkate Gowda of the village, as an endowment to Shri LakshmiChennekeshwara Temple at Madigere village in the same Taluk in the year 1889-90 was accepted by the then General Assistant Commissioner on condition that the net realisations from the land should be utilised for the performance of certain sevas in the temple as desired by the donor and that the khata of the land was registered in the name of the temple. The object of the endowment was being fulfilled till about 1937 when on account of the failure of the cultivator of the land, Patel Venkate Gowda of the village, to deliver the produce of the land to the temple, one Y.Venkatappa, grand son of Sanjeevamma, brought to the notice of the Amildar that there has been a breach of trust on the part of the Patel in respect of the temple land, as it had been mortgaged and subsequently sold to others.

2. Thereupon necessary inquiries were made and the Sub Division Officer ordered that the land might be resumed from Venkate Gowda and leased out for the benefit of the temple. Venkate Gowda having appealed to the Deputy Commissioner, Kolar District, against the order of the Sub Division Officer, the former officer recommended the case to the latter for formal enquiry under section 184 of the Religious and Charitable Institutions Act. The Sub Division Officer accordingly, conducted a detailed enquiry and came to the conclusion that the action taken by Venkate Gowda who was the Patel of the village in trying to deprive the temple of the land and the income therefrom by mortgage to C.B.Rama Rao and subsequently by sale to Siddegowda, is unwarranted and illegal and that the possession of the land by Siddegowda a private party, was wrongful. He therefore proposes that as there is a breach of trust, action may be taken as contemplated in sub-section 2 of section 184 of the Act, to resume the land from the alienee Siddegowda and to restore it to the temple. The Deputy Commissioner supports the above proposals and the Muzrai Commissioner agrees with him.

3. In the circumstances, Government are pleased to accord sanction to the said proposals.


For Deputy Secretary to Government.

To

The Muzrai Commissioner in Mysore with the connected records,
The Deputy Commissioner, Kolar District.

SUBJECT

Diary No. of letter replied to.....1382/R.....

General and Revenue Secretariat

(Muz. Section)

the 2nd November 1943.

Section Muzrai

File No. 110-43

Serial No. 2

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Date of issue 13-11-1943.....

Read—

Letter No. K 1-C 1868/43-44, dated the

22nd September 1943, from the Muzrai Commis-

sioner in Mysore regarding the resumption of

S. No. 46 of Tycha Kurahalli, Kasaba Hobli, Gori-

bidanur Taluk, endowed to Shri Lakshmi

Chennakeshava Temple at Mudigere Village in
from the alienee

the Taluk, and its restoration to the said Temple.

Order thereon.—No. R. 2687-8

Dated the 13th November 1943

It is reported that S. No. 33 or

Re. Survey No. 46, 4 acres 10 guntas in extent

(of which 3 acres 6 guntas are ^{classified as} dry and the re-
maining 1 acre 4 guntas are ^{not} dry) and assessed

at Rs. 9.8.0, of Tycha Kurahalli, Gori-

bidanur Taluk ^{offered} ~~was reserved~~ by one Sanjeevaramu

wife of Venkate Gowda of K. V. 1-92 (A.C.)

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette,
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette,
Kannada Part ?

Signed by *M. J. B. M.*

owment to Shri Lakshmi Chennakeshwaraswamy
-in the year 1889-90

Mudigere Village in the same Taluk, ~~which~~ was accepted.

Then General Asst. Commissioner on condition that the ~~not~~
~~in respect of~~ ^{from} the land should be utilised for the performance
and the ~~that~~ ^{that} ~~the~~ ^{the} ~~land~~ ^{land} ~~was~~
certain ~~sewa~~ ^{sewa} in the temple as desired by the donor. The object of
the endowment was being fulfilled till about 1937, when on account of
the failure of the cultivator of the land, Patel Venkate Gowda of the village,
to deliver the produce of the land to the temple, one Y. Venkatappa,
Grandson of Sanjeevamma, brought to the notice of the Amildar that
there has been a breach of trust on the part of the Patel in respect of the
temple land, as it had been mortgaged and subsequently sold to others.

2. Thereupon necessary enquiries were made and the S.D.O. ordered

that the land ~~might~~ ^{be} resumed from Venkate Gowda and leased out for the benefit
of the Temple. Venkate Gowda having appealed against the order of the S.D.O.
to the ~~officer~~ ^{higher officer}

the ~~officer~~ ^{higher officer} remanded the case to the latter for ^{formal} enquiry under Section

18 of the R.C.G. Act. The S.D.O. ~~thereafter~~ ^{accordingly} conducted ~~an elaborate~~ ^{a detailed} enquiry

and ~~came~~ ^{action taken by} to the conclusion that the ~~act of~~ ^{act of} Venkate Gowda, who was the
Patel of the village in ^{trying to} ~~deprive~~ ^{deprive} the temple of the land and the income therefrom
by mortgage and subsequently by sale to C.B. Rama Rao and Sidde Gowda

respectively ~~and~~ ^{is} unwarranted and illegal, and ^{that} ~~the~~ ^{the} possession of the land
by the Sidde Gowda, a private party, was wrongful. He ~~has~~ ^{therefore} therefore
proposes that as there is a breach of trust, action may be taken

as contemplated in sub-section 2 of section 18 of the Act, to resume
the land from the alienee, ^{Sidde Gowda,} and restore it to the temple. The S.D.O.
supports the above proposals and the M.C. agrees with him.

3. In the circumstances Govt are pleased to accord sanction
to the said proposals

Do - The Muzara Commissioner with the connected records.

By. Commr., Kolar District.